CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
StaceyAnn McFarlane-Ross		Squad #1	201808091	\square	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	P	recinct:	18 M	lo. SOL	EO SOL
Sunday, 09/30/2018 3:00 PM		§ 87(2)(b) Precinct stationhouse.	The 41st		41	3/30	0/2020	11/14/2020
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Receiv	ed at CCR	lB
Sun, 09/30/2018 6:56 PM		CCRB Call Processing System			Sun, 09/30/2018 6:56 PM			
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Edwin Garcia	31744	926865	041 PCT					
2. POM Efrain Ayala	00285	934314	041 PCT					
3. POF Racquel Palmer	18798	961993	041 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POF Alyssa Lopez	29299	965280	041 PCT					
Officer(s)	Allegatio	on			Inve	stigato	or Recom	mendation
A.POM Efrain Ayala	Abuse: A Officer E	at ^{§ 87(2)(b)} Efrain Ayala threatened t	in the Bronx, Pol to arrest § 87(2)(b)	lice				
B.POM Edwin Garcia	Abuse: At \$87(2)(b) in the Bronx, Police Officer Edwin Garcia threatened to arrest \$87(2)(b)							
C.POF Racquel Palmer	Abuse: At the 41st Precinct stationhouse, Police Officer Racquel Palmer did not process somplaint regarding officers.							

Case Summary

On September 30, 2018, \$87(2)(b) filed this complaint via telephone with the CCRB's call processing system. On October 1, 2018, § 37(2)(b) called IAB and filed a duplicate complaint. On September 30, 2018, at approximately 3:00 p.m., § 87(2)(b) reported stolen property and accused her roommate, § 87(2)(6) of being responsible. PO Efrain Ayala and PO Edwin Garcia, from the 41st Precinct, responded to the 911 call at \$87(2) , in the Bronx. Upon arrival at the location, § 87(2)(b) opened the door and invited both officers into the apartment. PO Ayala informed 887(2)(b) that she owed \$1,200 for her stolen bicycle and other belongings since \$87(2)(b) was the one that placed them outside. PO Ayala told §87(2)(b) to repay §87(2)(b) or she would be arrested. §87(2)(b) agreed to pay \$300 to §87(2)(b) PO Garcia then stated that if § 87(2)(b) did not pay the remaining \$900 next time, she could be arrested (Allegations A and B: Abuse of Authority, \$87(2)(9) Once everyone was in agreement, PO Ayala and PO Garcia left the location. At approximately 5:00 p.m., § 87(2)(b) went to the 41st Precinct stationhouse to file a complaint against PO Ayala and PO Garcia. PO Racquel Palmer did not take §87(2)(b) complaint (Allegation C: Abuse of Authority, § 87(2)(9) provided an audio clip of the incident that she recorded on her cell phone (Board Review 04).

Findings and Recommendations

Allegation (A) Abuse of Authority: At \$87(2)(b)	in the Bronx, Police
Officer Efrain Ayala threatened to arrest §87(2)(b)	•
Allegation (B) Abuse of Authority: At §87(2)(b)	in the Bronx, Police
Officer Edwin Garcia threatened to arrest §87(2)(b)	
(Board Review 01, 02) testified that on September 29	9, 2018, she moved
some of \$87(2)(b) property, including a \$1000 bicycle, outside after	a dispute. At some
point, the bicycle was stolen and \$87(2)(b) blamed \$87(2)(b)	(b) called the
police to their shared home on September 30, 2018 and PO Ayala and PO	Garcia responded. PO
Ayala told §87(2)(b) to either pay §87(2)(b) \$1,200 or be arrested.	§ 87(2)(b) informed
PO Ayala and PO Garcia that she did not have \$1,200 but that she could I	bay \$300 via Venmo.
After the money transfer was complete PO Garcia told §87(2)(b) that if	she did not make
another payment by the following week she would be arrested.	
§ 87(2)(b) statement was § 87(2)(g)	that PO Garcia told
her that if \$87(2)(b) did not pay the remainder of the money, \$87(2)(b)	should call 911 and
have §87(2)(b) arrested.	
An audio recording provided by § 87(2)(b) (Board Review 04)	4) captured the 21.5
minute conversation, including that \$87(2)(b) and \$87(2)(b) agree	d to mediate their
complaint. PO Ayala stated that it was \$87(2)(b) s choice whether to ag	gree to reimburse §
\$87(2)(b) agreed to pay \$87(2)(b) part of value of the s	tolen items that night
and the rest of the value on a later date. In return, §87(2)(b) agreed n	ot to have § 87(2)(b)
arrested. PO Ayala and PO Garcia each told \$87(2)(b) that they could	d not force § 87(2)(b)
to make a payment. PO Garcia told \$87(2)(b) to call the police if \$87	
follow through on the agreement to pay the balance and they would return	n and arrest § 87(2)(b)

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PO Ayala testified that he told §87(2)(b) that she could be placed under arrest if she did
not come to some agreement with \$87(2)(b) for throwing away her property. He explained
that \$87(2)(b) could have been arrested for Grand Larceny as the property cost over \$1,000.
\$300 on that day. \$37(2)(b) asked PO Ayala what
would happen if \$87(2)(b) failed to pay the remainder of the money and PO Ayala replied that
could make a complaint report for Petit Larceny, which was a misdemeanor and
§ 87(2)(b) could be arrested.
PO Garcia's statement was \$87(2)(9) that he was the
one that made the comments that \$87(2)(b) could be arrested for Grand Larceny or Petit
Larceny.
According to the <u>New York State Penal Law 155.30</u> , a person is guilty of grand larceny
in the fourth degree when he steals property and when (1) the value of the property exceeds one
thousand dollars. Per New York State Penal Law 155.25, a person is guilty of petit larceny when
he steals property (Board Review 13).
valued her property at \$1,200 and she informed PO Ayala and PO Garcia
of this \$87(2)(9)
<u> </u>
Allegation (C) Abuse of Authority: At the 41st Precinct stationhouse, Police Officer Racquel
Palmer did not process \$87(2)(b) seems s complaint regarding officers.
s 87(2)(b) testified that after PO Ayala and PO Garcia left her home, she travelled to
the 41st Precinct stationhouse to file a complaint against them. PO Palmer spoke to \$87(2)(6)
and told her to call the CCRB. She pointed to a red sign hanging on a window by the desk that
contained the CCRB's contact information. PO Palmer told § 87(2)(b) that there was nothing
that she could do for her and if she wanted something done she should contact the CCRB.
PO Palmer (Board Review 05) testified that \$87(2)(b) wanted to speak to someone
about her interaction with the officers and asked where she should go. PO Palmer pointed to a red
sign on the wall by her desk with the CCRB's contact information. PO Palmer informed
sign on the wan by her desk with the CCRB's contact information. For affine informed \$7.50, that if she felt the officers were inappropriate and unprofessional she could walk in, call,
or fax the CCRB. PO Palmer stated that \$87(2)(b) did not say she wanted to file a complaint
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against PO Ayala and PO Garcia. PO Palmer believed that she did not have to personally process
civilian complaints unless instructed to by a desk officer.
civilian complaints unless instructed to by a desk officer. As per NYPD Patrol Guide procedure 207-31, a uniformed member of service must
civilian complaints unless instructed to by a desk officer. As per NYPD Patrol Guide procedure 207-31, a uniformed member of service must record and initiate investigation of complaints from civilians alleging misconduct by uniformed
civilian complaints unless instructed to by a desk officer. As per NYPD Patrol Guide procedure 207-31, a uniformed member of service must

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			he Office of the Police Commissione	r or office of a
	commission § 87(2)(g)	er (Board Review 14).		
		•		
		<u>Civilian a</u>	and Officer CCRB Histories	
	This is the 09).	first CCRB complaint to	which § 87(2)(b) has been a par	rty (Board Review
•	PO Efrain		er of service for 14 years and has bee ations, none of which were substantia	
			per of service for 18 years and has bee egations, none of which were substar	
			mber of service for two years and has egations, neither of which was substa	
		Mediation, C	Civil and Criminal Histories	
•	Notice of C	Claim being filed in rega	is complaint. ork City Office of the Comptroller had reds to this complaint (Board Review nitted and will be added to the case fi	08). On May 20,
•	[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad N	Vo.: 1			
Investig	ator:			
•==16		Signature	Print Title & Name	Date

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Squad Leader:			
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date